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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Case No: 16-10135

Γhis plan, dated Fe	bruary 16, 2016, is:
	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the □confirmed or □unconfirmed Plan dated. Date and Time of Modified Plan Confirming Hearing:
	Place of Modified Plan Confirmation Hearing:
The 1	Plan provisions modified by this filing are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$1,487,080.00

Name of Debtor(s):

Fagir Hussain

Creditors affected by this modification are:

Total Non-Priority Unsecured Debt: \$6,935.00

Total Priority Debt: \$3,700.00 Total Secured Debt: \$1,274,000.00

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$300.00 Monthly for 12 months, then \$650.00 Monthly for 12 months, then \$1,295.00 Monthly for 36 months. Other payments to the Trustee are as follows: NONE.

 The total amount to be paid into the plan is \$58,020.00.
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$\(\frac{2,500.00}{} \) balance due of the total fee of \$\(\frac{3,000.00}{} \) concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Internal Revenue Service	Taxes and certain other debts	3,700.00	Prorata
			4 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u> -NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

CreditorCollateral DescriptionEstimated ValueEstimated Total ClaimCaliber Home Loans Inc.4401 Elan Court Annandale, VA 22003330,000.00274,000.00Fairfax County

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description Adeq. Protection Monthly Payment To Be Paid By
-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or Creditor Collateral Collateral Approx. Bal. of Debt or Creditor Value Rate Monthly Paymt & Est. Term**

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately __100__ %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately __100__ %.
- B. Separately classified unsecured claims.

<u>Creditor</u> <u>Basis for Classification</u> <u>Treatment</u>

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	<u>Collateral</u>	Payment	<u>Arrearage</u>	Rate	Cure Period	Payment
Rushmore Loan	1300 Pinstripe Court Vienna,	3,750.00	37,500.00	0%	41 months	Prorata
Management	VA 22182 Fairfax County					

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	<u>Collateral</u>	Payment	Arrearage Rate	<u>Arrearage</u>	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
<u>Creditor</u>	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	Estimated
Creditor	Type of Contract	Arrearage	Payment for Arrears	Cure Period
NONE				

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7. Liens Which Debtor(s) Seek to Av	voia.
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A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

Exemption Amount

Value of Collateral

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Exhibits:

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- 10. Incurrence of indebtedness. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

Signatures:	
Dated: February 16, 2016	-
/s/ Faqir Hussain	/s/ Nathan Fisher
Faqir Hussain	Nathan Fisher 37161
Debtor	Debtor's Attorney

Copy of Debtor(s)' Budget (Schedules I and J);

Matrix of Parties Served with Plan

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Certificate of Service

I certify that on February 16, 2016, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Nathan Fisher
Nathan Fisher 37161
Signature
3977 Chain Bridge Rd., Suite #2
Fairfax, VA 22030
Address
(703) 691-1642
Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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Fill	in this information to iden	ntify your ca	se:						
Del	btor 1 Faq	ıir Hussai	n			_			
	btor 2								
Uni	ited States Bankruptcy Co	ourt for the:	EASTERN DISTRICT	OF VIRO	SINIA	_			
_	se number	5					heck if this is:	d filina	
							A suppleme	ent showing postpeti as of the following d	
0	fficial Form 10	<u>61</u>					MM / DD/ Y	YYY	
S	chedule Ι: Υοι	ır Inco	ome						12/15
atta Par	use. If you are separate ch a separate sheet to the task of the ta	his form. (
1.	Fill in your employme information.	nt		Debto	1		Debtor 2	or non-filing spou	ise
	If you have more than o		Employment status	■ Em	ployed		■ Emplo	yed	
	attach a separate page information about additi			☐ Not	employed		☐ Not er	mployed	
	employers.		Occupation	Direct	tor		Homem	aker	
	Include part-time, seaso self-employed work.	onal, or	Employer's name	Sai M	ortgage Corpora	tion			
	Occupation may include or homemaker, if it appl		Employer's address		Brandon Avenue gfield, VA 22150	, #410-B			
			How long employed the	here?	1 Year				
Par	rt 2: Give Details A	About Mon	thly Income						
	mate monthly income a use unless you are separa		te you file this form. If	you have	nothing to report for	r any line,	write \$0 in the	space. Include you	r non-filing
	ou or your non-filing spous e space, attach a separat			ombine th	e information for all	employers	for that perso	on on the lines below	w. If you need
						For	Debtor 1	For Debtor 2 or non-filing spous	se .
2.			y, and commissions (be alculate what the month			\$	3,000.00	\$0.	00

Official Form 106I Schedule I: Your Income page 1

0.00

0.00

0.00

3,000.00

+\$

\$

Estimate and list monthly overtime pay.

Calculate gross Income. Add line 2 + line 3.

Debto	Faqir Hussain		Case r	number (if known)	16-10135	
			For	Debtor 1	For Debtor	
	Copy line 4 here	4.	\$	3,000.00	\$	0.00
5.	List all payroll deductions:					
J.	5a. Tax, Medicare, and Social Security deductions	5a.	\$	0.00	\$	0.00
	5b. Mandatory contributions for retirement plans	5b.	\$—	0.00	\$	0.00
	5c. Voluntary contributions for retirement plans	5c.	\$_	0.00	\$	0.00
	5d. Required repayments of retirement fund loans	5d.	\$	0.00	\$	0.00
	5e. Insurance	5e.	\$	0.00	\$	0.00
	5f. Domestic support obligations	5f.	\$	0.00	\$	0.00
	5g. Union dues	5g.	\$	0.00	\$	0.00
	5h. Other deductions. Specify:	5h.+	- \$	0.00	+ \$	0.00
6.	Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	\$	0.00	\$	0.00
7.	Calculate total monthly take-home pay. Subtract line 6 from line 4.	7.	\$	3,000.00	\$	0.00
8.	List all other income regularly received: 8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total					
	monthly net income.	8a.	\$	1,100.00	\$	0.00
	8b. Interest and dividends	8b.	\$	0.00	\$	0.00
	8c. Family support payments that you, a non-filing spouse, or a dependence regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	ndent 8c.	\$	0.00	\$	0.00
	8d. Unemployment compensation	8d.	\$_	0.00	\$	0.00
	8e. Social Security	8e.	\$	920.00	\$	374.00
	8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assis that you receive, such as food stamps (benefits under the Supplementa Nutrition Assistance Program) or housing subsidies. Specify: 8g. Pension or retirement income		\$ \$_	0.00	\$ \$	0.00
	8h. Other monthly income. Specify: Funds contributed by son	8h.+	· ·	1,800.00	*	0.00
	Tunus contributed by soil			1,000.00	· Ψ	<u> </u>
9.	Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	3,820.00	\$	374.00
10.	Calculate monthly income. Add line 7 + line 9.	10. \$	•	5,820.00 + \$	374.00	= \$ 7,194.00
	Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.					
	State all other regular contributions to the expenses that you list in Scholnclude contributions from an unmarried partner, members of your household, other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are Specify:	, your deper	•		ted in <i>Schedu</i>	le J. +\$0.00
	Add the amount in the last column of line 10 to the amount in line 11. The Write that amount on the Summary of Schedules and Statistical Summary of applies					\$ 7,194.00
						Combined monthly income
13.	Do you expect an increase or decrease within the year after you file this No.	form?				monthly income
	Yes. Explain:					

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Fill	in this informa	tion to identify ye	our case:			1		
Debt		Faqir Hussa				Che	eck if this is:	
Debt	tor 2						An amended filing A supplement sho	wing postpetition chapter
	ouse, if filing)							the following date:
Unite	ed States Bankr	uptcy Court for the:	EASTE	RN DISTRICT OF VIRGIN	IIA		MM / DD / YYYY	
	e number 16	i-10135						
	ficial Fo	rm 106J						
		J: Your	Evnor	nene				12/1:
Be a	as complete a	and accurate as	possible eded, atta	. If two married people a ach another sheet to this				for supplying correct
Part	t 1: Descr	ibe Your House	hold					
1.	No. Go to							
			in a separ	ate household?				
	□ N		st file Offic	ial Form 106J-2, Expense	s for Separate Hous	ehold of De	ebtor 2.	
2.	Do you have	e dependents?	■ No					
	Do not list De and Debtor 2		☐ Yes.	Fill out this information for each dependent	Dependent's relati Debtor 1 or Debtor		Dependent's age	Does dependent live with you?
	Do not state							□ No
	dependents	names.						☐ Yes ☐ No
								☐ Yes
								□ No
								☐ Yes
								□ No □ Yes
3.	Do your exp	enses include		No				□ 163
		f people other t d your depende	han $_{oldsymbol{\sqcap}}$	Yes				
Esti exp	imate your ex	ate Your Ongoi penses as of your date after the	our bankr	uptcy filing date unless y	ou are using this followed the second	orm as a s e <i>J</i> , check	supplement in a Ch the box at the top	apter 13 case to report of the form and fill in the
the		n assistance an		government assistance cluded it on <i>Schedule I:</i>			Your exp	enses
(0	10101 1 01111 10	· · · · · · · · · · · · · · · · · · ·					·	
4.		r home owners and any rent for th		nses for your residence. I or lot.	nclude first mortgag	je 4.	\$	3,750.00
	If not includ	led in line 4:						
		state taxes				4a.	·	0.00
	•	rty, homeowner's				4b.		0.00
		maintenance, re owner's associat		upkeep expenses dominium dues		4c. 4d.		250.00 0.00
5.				our residence, such as ho	me equity loans	4u. 5.		0.00

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Debtor 1	Faqir Hu	ssain	Case num	ber (if known)	16-10135
0 11:					
	lities:	hoat natural gas	60	c	205.00
6a. 6b.		, heat, natural gas	6a. 6b.	·	395.00
		wer, garbage collection			160.00
6c.		e, cell phone, Internet, satellite, and cable services	6c.	·	285.00
6d.		*	6d.		0.00
		ekeeping supplies	7.		1,195.00
		children's education costs	8.	\$	0.00
	_	ry, and dry cleaning	9.	\$	125.00
		products and services	10.	\$	60.00
11. Me d	dical and de	ntal expenses	11.	\$	85.00
	insportation. not include ca	Include gas, maintenance, bus or train fare.	12.	\$	395.00
		clubs, recreation, newspapers, magazines, and books	13.	\$	60.00
		ributions and religious donations	14.	·	0.00
15. Ins i			1-7.	–	0.00
-		surance deducted from your pay or included in lines 4 or 20.			
	a. Life insura		15a.	\$	0.00
	b. Health ins		15a. 15b.		0.00
	c. Vehicle in		15b.		
				·	120.00
		Irance. Specify:	15d.	Φ	0.00
Spe	ecify:	clude taxes deducted from your pay or included in lines 4 or 20.	16.	\$	0.00
		ease payments:	476	•	0.00
		ents for Vehicle 1	17a.	·	0.00
		ents for Vehicle 2	17b.	· -	0.00
	c. Other. Spe	· · · · · · · · · · · · · · · · · · ·	17c.	· -	0.00
	d. Other. Spe		17d.	\$	0.00
18. Yo u de c	ur payments	of alimony, maintenance, and support that you did not report a your pay on line 5, Schedule I, Your Income (Official Form 106I)	s . 18.	\$	0.00
		s you make to support others who do not live with you.		\$	0.00
	ecify:	•	19.		
		erty expenses not included in lines 4 or 5 of this form or on Sci		our Income	
		s on other property	20a.		0.00
	. Real estat		20b.	· -	0.00
		homeowner's, or renter's insurance	20c.	·	0.00
		nce, repair, and upkeep expenses	20d.	·	0.00
		er's association or condominium dues	20a. 20e.	·	0.00
		or a accordation or condominating duca		·	
∠ı. Utn	ner: Specify:			+\$	0.00
22. Cal	culate your	monthly expenses			
	a. Add lines 4	· ·		\$	6,880.00
		2 (monthly expenses for Debtor 2), if any, from Official Form 106J-2		\$	
		a and 22b. The result is your monthly expenses.			6 000 00
220	. Add line 22	a and ZZD. The result is your monthly expenses.		\$	6,880.00
23. Cal	culate your	monthly net income.			
23 a	a. Copy line	12 (your combined monthly income) from Schedule I.	23a.	\$	7,194.00
		monthly expenses from line 22c above.	23b.	-\$	6,880.00
-	, , , ,	, ,			
230		our monthly expenses from your monthly income. is your monthly net income.	23c.	\$	314.00
	rne result	is your monthly net income.	200.	<u> </u>	
		an increase or decrease in your expenses within the year after y			d (
		u expect to finish paying for your car loan within the year or do you expect your terms of your mortgage?	mortgage pa	syment to increas	se or decrease because of a
	No.				
	Yes.	Explain here:			

American Collections Enterprise Inc Po Box 30096 Alexandria, VA 22310

Berks Credit & Collections Po Box 329 Attn: Bankruptcy Temple, PA 19560

Caliber Home Loans Inc. 13801 Wireless Way Oklahoma City, OK 73613

Calvary Portfolio Services 500 Summit Lake Dr Ste 400 Valhalla, NY 10595

Credit One Bank Na Po Box 98873 Las Vegas, NV 89193

Eos Cca 700 Longwater Dr Norwell, MA 02061

First Premier Bank 601 S Minnesota Ave Sioux Falls, SD 57104

Internal Revenue Service P.O. Box 21126 Philadelphia, PA 19114-0326

Office of the U.S. Trustee 115 South Union St., Ste. 210 Alexandria, VA 22314

Professional Account Management 633 W Wisconsin Ave Suite 600 Milwaukee, WI 53203

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RBS Citizens Cc Attn: Bankruptcy Department 443 Jefferson Blvd Ms: Rjw-135 Warwick, RI 02886

Rushmore Loan Management P.O. Box 55004 Irvine, CA 92618

Visa Dept Store National Bank Attn: Bankruptcy Po Box 8053 Mason, OH 45040